

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHARLOTTE HORTON, as guardian of the estate of Anna R. Richardson, adjudicated disable person,)
v.) 07 c 6530
Plaintiff,) Judge Lindberg
COUNTRY MORTGAGE SERVICES, INC.; an Illinois corporation; **FREMONT INVESTMENT & LOAN**, a California corporation; **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.**, a Delaware corporation; **WELLS FARGO BANK, N.A.**, a national banking association doing business as America's Servicing Company; and, **JOHN DOES 1 – 5**,)
Defendants.) Magistrate Judge Nolan

PLAINTIFF'S MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

Now Comes Plaintiff, CHARLOTTE HORTON, as guardian of the estate of Anna R. Richardson, by and through her attorney Lloyd Brooks to move this Court to grant her leave to file her Third Amended Complaint. In support of this motion Plaintiff states as follows:

1. On July 30, 2008 this Court dismissed, without prejudice, Plaintiff's Illinois Consumer Fraud and Deceptive Business Practices Act ("ICFA") claim against defendant Country Mortgage Services, Inc. ("CMS") for the perceived failure to state a cause of action. More specifically, the Court held Plaintiff's ICFA claim sounded in fraud, but failed to allege the cause of action with the specificity required by Fed. R. Civ. Pro. Rule 9.

2. Additionally, Plaintiff has conducted additional discovery since the filing of the Second Amended Complaint, allowing plaintiff to assert some of her claims with more specificity.

3. Plaintiff now seeks to amend her claims to assert additional facts against CMS to support an ICFA claim and to make some of her earlier allegations more specific.

4. Plaintiff has attached a copy of the proposed amended pleading to this motion as an exhibit.

5. Fed. R. Civ. Proc. Rule 15(a)(2) provides that this Court should liberally allow amendment to pleadings.

6. The defendants will not be prejudiced by the filing of the Third Amended Complaint, as the issues and claims asserted in the Third Amended Complaint are already within the scope of the Second Amended Complaint and were already being pursued by the parties in discovery.

WHEREFORE Plaintiff respectfully requests this Court grant her leave to file her Third Amended Complaint.

Respectfully Submitted,

/S/ Lloyd Brooks

Attorney for Plaintiff

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